

1 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

3
4 versus

HECTOR EFRAIN TRUJILLO ALDANA,

Defendant.

15 CR 252 (PKC)

U.S. Courthouse
225 Cadman Plaza East
Brooklyn, NY 11201

June 2nd, 2017

2:30 PM
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7 TRANSCRIPT OF CRIMINAL CAUSE FOR GUILTY PLEA
8 BEFORE THE HONORABLE PAMELA CHEN
UNITED STATES DISTRICT JUDGE

9 APPEARANCES

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24 Proceedings recorded by mechanical stenography. Transcript
25 produced by computer-aided transcription.

LISA SCHMID, CCR, RMR

1 THE CLERK: Criminal Cause for Pleading, Docket
2 Number 15 CR 252, United States versus Hector Trujillo.

3 Would the parties please state their appearances for
4 the record?

5 MR. TUCHMANN: Good afternoon, Your Honor. Paul
6 Tuchmann for the United States. With me is Sam Nitze, Kristin
7 Mace and Kaitlin Farrell.

8 THE COURT: Good afternoon to all of you.

9 MR. MIEDEL: Good afternoon, Your Honor. Florian
10 Miedel and Joshua Paulson, here with Mr. Hector Trujillo.

11 THE COURT: Good afternoon to all of you.

12 And we'll have our court reporter state her name for
13 the record.

14 THE CLERK: Interpreter.

15 THE COURT: Okay. Would the interpreter state her
16 name for the record?

17 THE INTERPRETER: Patricia Triana, T-R-I-A-N-A.

18 THE COURT: Do we need to swear her in?

19 (Interpreter sworn.)

20 THE CLERK: Thank you.

21 THE COURT: All right. Mr. Miedel, are you handling
22 this?

23 MR. MIEDEL: I am.

24 THE COURT: Okay. I understand that your client
25 wishes to withdraw his previously-entered plea of not guilty

1 and enter a guilty plea at this time to two counts in the
2 superseding indictment, is that correct?

3 MR. MIEDEL: That's correct.

4 THE COURT: Okay. And my understanding is, he is
5 doing so pursuant to a plea agreement with the government, is
6 that right?

7 MR. MIEDEL: That's right.

8 THE INTERPRETER: The interpreter asks Your Honor to
9 put the microphone closer to you.

10 THE COURT: Oh, sure.

11 THE INTERPRETER: Thank you, Your Honor.

12 THE COURT: You want me to repeat anything?

13 THE INTERPRETER: Yes, please.

14 THE COURT: Okay. So Mr. Miedel, I want to confirm
15 with you that your client wishes to withdraw his
16 previously-entered plea of not guilty and enter a guilty plea
17 at this time to two counts of the superseding indictment,
18 pursuant to a plea agreement with the government.

19 MR. MIEDEL: That's right, Your Honor. Mr. Trujillo
20 is planning to plead guilty to Counts 42 and 45 of the
21 indictment.

22 THE COURT: Now, Mr. Trujillo --

23 THE DEFENDANT: Yes, Your Honor?

24 THE COURT: As you just heard, Mr. Trujillo, your
25 attorney has advised me that it is your intention to plead

1 guilty to these two counts in the superseding indictment at
2 this time, and that you're going to do so pursuant to an
3 agreement with the government.

4 These are very serious decisions and I must make
5 sure that you are making them understanding the rights and the
6 consequences of your guilty plea. I will be explaining to you
7 the rights that you will be giving up by pleading guilty.
8 Before I accept your guilty plea, there are a number of
9 questions that I have to ask you to establish that the plea is
10 valid. If you do not understand any of my questions, just let
11 me know and I'll rephrase them for you. Also, if you would
12 like to consult with your attorneys further, let me know and
13 I'll give you as much time as you need. Do you understand?

14 THE DEFENDANT: Yes.

15 THE COURT: Now, your answers to my questions must
16 be under oath, so I'll ask you to stand and raise your right
17 hand.

18 (Defendant sworn.)

19 THE DEFENDANT: Yes, I affirm.

20 THE CLERK: Please have a seat.

21 THE COURT: You should understand, Mr. Trujillo,
22 that if you answer any of my questions falsely -- and by that,
23 I mean knowing that the answer is false -- your answers can be
24 used against you in a separate prosecution for perjury or
25 making a false statement. Do you understand that?

1 THE DEFENDANT: Yes.

2 THE COURT: Please state your full name for the
3 record.

4 THE DEFENDANT: My entire name?

5 THE COURT: Yes.

6 THE DEFENDANT: Hector Efrain Trujillo Aldana.

7 THE COURT: How old are you?

8 THE DEFENDANT: Sixty-three years old.

9 THE COURT: How much formal education have you had?

10 THE DEFENDANT: University. I'm an attorney.

11 THE COURT: Are you able to speak or understand any
12 English?

13 THE DEFENDANT: No.

14 THE COURT: Have you been able to understand
15 everything that has been said to you so far through the
16 interpreter?

17 THE DEFENDANT: Perfectly.

18 THE COURT: Have you been able to communicate with
19 your attorneys with an interpreter or otherwise?

20 THE DEFENDANT: Always.

21 THE COURT: Mr. Miedel, have you had any
22 difficulties communicating with your client?

23 MR. MIEDEL: No, Your Honor.

24 THE COURT: Mr. Trujillo, have you ever been treated
25 or hospitalized for any mental illness?

1 THE DEFENDANT: No.

2 THE COURT: Are you currently or have you recently
3 been under the care of a doctor or psychiatrist for any
4 reason?

5 THE DEFENDANT: No.

6 THE COURT: Have you ever been treated or
7 hospitalized for any type of addiction, such as drugs or
8 alcohol?

9 THE DEFENDANT: No.

10 THE COURT: Have you taken any drugs, medicine or
11 pills or had any alcoholic beverages within the last two days?

12 THE DEFENDANT: Only analgesic pills because I have
13 pain in my back.

14 THE COURT: Is there anything about those pills that
15 affects your ability to think or to process?

16 THE DEFENDANT: I don't think so.

17 THE COURT: And when did you last take those pills?

18 THE DEFENDANT: Last night, I took a pill for the
19 pain, naproxen.

20 THE COURT: And is your mind clear today?

21 THE DEFENDANT: Yes.

22 THE COURT: And do you understand fully why you're
23 here?

24 THE DEFENDANT: Yes, I understand.

25 THE COURT: Okay. Mr. Miedel, have you discussed

1 the matter of pleading guilty with your client?

2 MR. MIEDEL: Yes, I have.

3 THE COURT: Does he understand the rights that he
4 will be waiving by pleading guilty?

5 MR. MIEDEL: Yes, he does.

6 THE COURT: Is he capable of understanding the
7 nature of these proceedings?

8 MR. MIEDEL: Yes, he is.

9 THE COURT: Do you have any doubt as to his
10 competence to plead guilty at this time?

11 MR. MIEDEL: I do not.

12 THE COURT: Have you advised him of the maximum and
13 minimum sentence and fine that can be imposed in this matter?

14 MR. MIEDEL: Yes.

15 THE COURT: Have you discussed with him the effect
16 of the Sentencing Guidelines?

17 MR. MIEDEL: Yes.

18 THE COURT: Mr. Trujillo, have you reviewed a copy
19 of the indictment or superseding indictment, S-1, that
20 contains the charges that have been made against you with your
21 attorneys?

22 THE DEFENDANT: Yes.

23 THE COURT: And have you had sufficient time to do
24 that?

25 THE DEFENDANT: Yes.

1 THE COURT: Now, specifically, in Counts 42 and 45,
2 you're charged with participating in a wire fraud conspiracy,
3 and also engaging in wire fraud. Do you understand those
4 charges?

5 THE DEFENDANT: Yes, I understand.

6 THE COURT: Do you have any questions about the
7 charges at all?

8 THE DEFENDANT: No.

9 THE COURT: Have you had sufficient time to discuss
10 with your attorneys whether or not to plead guilty?

11 THE DEFENDANT: Yes.

12 THE COURT: Are you fully satisfied with the
13 counsel, representation and advice given to you by your
14 attorneys in this matter?

15 THE DEFENDANT: Yes.

16 THE COURT: Let's talk about the rights that you
17 will be giving up by pleading guilty, Mr. Trujillo. You have
18 a right to continue to plead not guilty. No one can be forced
19 to plead guilty. If you persisted in your not guilty plea,
20 you would have the right under the Constitution and laws of
21 the United States to a speedy and public trial by jury. Do
22 you understand?

23 THE DEFENDANT: Yes.

24 THE COURT: At trial, you would be presumed to be
25 innocent and the government would have to prove your guilt

1 beyond a reasonable doubt. Do you understand?

2 THE DEFENDANT: I understand.

3 THE COURT: You would have the right to the
4 assistance of counsel for your defense, and the attorneys who
5 have been representing you thus far would represent you at the
6 trial and at all other phases related to the trial. Do you
7 understand that?

8 THE DEFENDANT: I understand.

9 THE COURT: You would have the right to see and hear
10 all witnesses and to have them cross-examined in your defense.
11 Do you understand?

12 THE DEFENDANT: I understand.

13 THE COURT: You would have the right not to testify
14 unless you voluntarily chose to do so in your own defense. Do
15 you understand?

16 THE DEFENDANT: I understand.

17 THE COURT: You would have the right to compel the
18 attendance of witnesses to testify in your defense. Do you
19 understand?

20 THE DEFENDANT: I understand.

21 THE COURT: Now, if you decided not to testify or
22 not to put on any evidence at all at the trial, the fact that
23 you did not do so could not be used against you. Do you
24 understand that?

25 THE DEFENDANT: I understand.

1 THE COURT: By entering a guilty plea and if I
2 accept your plea, there will be no trial, and you will have
3 waived or given up your right to a trial and all of these
4 other rights that I've just described. Do you understand?

5 THE DEFENDANT: Yes.

6 THE COURT: There will be no right of appeal from
7 the judgment of guilt if you plead guilty. Do you understand
8 that?

9 THE DEFENDANT: Yes.

10 THE COURT: I will simply enter a judgment of guilt
11 on the basis of your guilty plea and the government will be
12 relieved of any responsibility to prove your guilt. Do you
13 understand?

14 THE DEFENDANT: I understand.

15 THE COURT: And if you plead guilty, I'll have to
16 ask you a number of questions to establish that you are, in
17 fact, guilty of the crime that you're pleading guilty to, and
18 by answering my questions, you will be giving up your right
19 against self-incrimination. Do you understand that?

20 THE DEFENDANT: I understand.

21 THE COURT: Mr. Trujillo, do you understand each and
22 every one of these rights?

23 THE DEFENDANT: Yes.

24 THE COURT: And are you willing to give up your
25 right to a trial and all of these other rights?

1 THE DEFENDANT: Yes.

2 THE COURT: Now, as you confirmed earlier, you are
3 pleading guilty pursuant to a plea agreement with the
4 government, and that agreement has been marked as Court
5 Exhibit Number 1. Did you sign that agreement on the last
6 page of it, above where your name is printed?

7 THE DEFENDANT: Yes, I did.

8 THE COURT: Did you have an opportunity to read and
9 discuss the agreement with your lawyers before signing it?

10 THE DEFENDANT: My attorneys read it to me.

11 THE COURT: Okay. And did you discuss it with them?

12 THE DEFENDANT: Yes.

13 THE COURT: Did you have sufficient time to do that?

14 THE DEFENDANT: Yes.

15 THE COURT: Do you understand the terms of your
16 agreement?

17 THE DEFENDANT: Yes.

18 THE COURT: Mr. Miedel, did you have enough time to
19 review the plea agreement with your client?

20 MR. MIEDEL: Yes.

21 THE COURT: Mr. Trujillo, do you have any questions
22 at all about your plea agreement?

23 THE DEFENDANT: For -- at the time being, I don't.

24 THE COURT: Does the agreement represent your entire
25 understanding with the government?

1 THE DEFENDANT: Yes.

2 THE COURT: Has anyone made you any promise or
3 assurance that is not in the agreement to get you to accept
4 it?

5 THE DEFENDANT: No.

6 THE COURT: Has anyone threatened you in any way to
7 get you to accept this agreement?

8 THE DEFENDANT: No.

9 THE COURT: Mr. Miedel, were all formal plea offers
10 from the government communicated to your client?

11 MR. MIEDEL: Yes, they were.

12 THE COURT: Now, Mr. Trujillo, a moment ago, I
13 discussed the two charges to which you'll be pleading guilty,
14 which are wire fraud conspiracy and also wire fraud. I'm now
15 going to tell you about the possible penalties that you face
16 by pleading guilty to these two crimes.

17 THE INTERPRETER: I'm sorry, Your Honor. May I have
18 the repetition of the last sentence?

19 THE COURT: Yes. I'm now going to tell you about
20 some of the penalties that you face by pleading guilty to
21 these two crimes.

22 First, with respect to wire fraud conspiracy, the
23 maximum term of imprisonment that you face is 20 years. There
24 is no minimum mandatory term of imprisonment. Any term of
25 imprisonment can be followed by a period of supervised release

1 of up to three years.

2 Supervised release refers to the period of time when
3 you will be subject to supervision by the Probation
4 Department, and that's after completing any term of
5 imprisonment, if one is imposed and after being on supervised
6 release for any period of time. One moment. Sorry. That
7 would be after serving any term of imprisonment.

8 The most important thing, though, is that you are
9 found to have violated any rule of supervised release, you
10 could be sent back to prison, and that time would be without
11 any credit for any time you might have served in prison or any
12 time you might have spent on supervised release.

13 Do you understand what supervised release is?

14 THE DEFENDANT: Yes.

15 THE COURT: The maximum term that you could be sent
16 back to prison if you violate a term of supervised release is
17 two years.

18 THE DEFENDANT: I'm sorry?

19 THE COURT: The maximum term of imprisonment that
20 you could be sent -- sentenced to if you violate a term of
21 supervised release is two years.

22 THE DEFENDANT: (No response.)

23 THE COURT: Let me repeat that. I apologize.

24 THE INTERPRETER: I didn't understand that.

25 THE COURT: I didn't phrase that very well. Let me

1 try that again.

2 Supervised release, as I said, is a period of time
3 during which you have to follow certain rules. If you violate
4 any of those rules, you could be sent back to prison for up to
5 two years, and that would be without any credit for any time
6 you may have served in prison before that or any time you may
7 have spent on supervised release. Do you understand that?

8 THE DEFENDANT: Okay.

9 THE COURT: Okay. Supervised release itself is a
10 period of time during which you have to follow rules after any
11 term of imprisonment you are sentenced to, if you are
12 sentenced to a term of imprisonment. Do you understand that?

13 THE DEFENDANT: Yes, I understand.

14 THE COURT: All right. The maximum potential fine
15 that you face is the greater of \$250,000 or twice the gross
16 gain or twice the gross loss caused by the crime in which
17 you're pleading guilty to. You also will be required to pay
18 restitution in the full amount of each victim's losses, and
19 the amount of that will be determined at the time of
20 sentencing. Do you understand that?

21 THE DEFENDANT: Yes.

22 THE COURT: I also will have to impose a special
23 assessment of \$100, to be paid at the time of sentencing. And
24 in addition, you face the possible penalty of removal or
25 deportation from the United States, as set forth in paragraph

1 14 of your plea agreement. Are you aware of that potential
2 penalty?

3 THE DEFENDANT: Yes.

4 THE COURT: Finally, you face a potential penalty of
5 criminal forfeiture, which would include forfeiting any
6 proceeds that you may have received from your crimes, and the
7 terms of the forfeiture are going to be set forth in
8 paragraphs six through 13 of your plea agreement. And have
9 you reviewed those provisions with your attorney?

10 THE DEFENDANT: Yes.

11 THE COURT: In particular, I want to point out that
12 you have agreed or consented to the forfeiture of \$175,000,
13 which represents kickbacks that you received in connection
14 with certain media and marketing rights contracts that were
15 awarded by the Guatemalan Soccer Federation as part of this
16 crime. Do you understand that?

17 THE DEFENDANT: Yes.

18 THE COURT: And do you also understand that your
19 plea agreement contains a certain schedule by which you have
20 agreed to pay back or to pay that forfeiture amount?

21 THE DEFENDANT: Yes. It's been explained to me.

22 THE COURT: Now, you face for the second crime of
23 wire fraud essentially the same penalties. So the maximum
24 term of imprisonment is 20 years. There is no mandatory
25 minimum term of imprisonment. The maximum period of

1 supervised release --

2 THE DEFENDANT: Yes. Excuse me, Your Honor. I
3 understand you said there is no minimum, but here, it says
4 it's a minimum of zero.

5 THE COURT: Zero is essentially the same as none, at
6 least in my book. So there's no mandatory term of
7 imprisonment that I have to impose at the time of sentencing.

8 THE DEFENDANT: Okay.

9 THE COURT: But the maximum term can be up to 20
10 years. You understand that?

11 THE DEFENDANT: I understand.

12 THE COURT: You also face a maximum term --
13 potential term of supervised release of three years, and if
14 you violate any term of supervised release, you could be sent
15 back to prison for up to two years. Again, that would be
16 without any credit for any time you may have spent in prison
17 before then or any time you may have spent on supervised
18 release.

19 You face also a maximum possible fine of the greater
20 of \$250,000 or twice the gross gain or twice the gross loss
21 caused by your crime. You will have to pay mandatory
22 restitution in the full amount that each victim's loss, and
23 also a hundred dollar special assessment for this count of
24 conviction, as well.

25 You, again, face a potential penalty of removal or

1 deportation from the United States and criminal forfeiture, as
2 I previously explained.

3 Now lastly, what you should understand is that the
4 penalties for these crimes can run consecutively. So for
5 example, a term of imprisonment on one count can run after or
6 in addition to the sentence on another count. Do you
7 understand that?

8 THE DEFENDANT: I didn't understand.

9 THE COURT: Let me explain it more simply. Let's
10 suppose I sentence you on Count 42 to a year in prison. I
11 could also sentence you to a year in prison on Count 45, to
12 run after the sentence on Count 42. So that --

13 THE DEFENDANT: In other words, two years?

14 THE COURT: Exactly. One year and then another
15 year. So consecutive means one after the other, whereas
16 concurrent means running at the same time.

17 THE DEFENDANT: (Nods head affirmatively.)

18 THE COURT: It's possible that your sentences will
19 run concurrently or consecutively, but I want to make sure you
20 understand that they can run one after the other.

21 THE DEFENDANT: Or simultaneously?

22 THE COURT: Both are possible. You understand that?

23 THE DEFENDANT: Yes, I understand.

24 THE COURT: Do you understand all of the possible
25 consequences of your guilty plea, Mr. Trujillo?

1 THE DEFENDANT: Yes.

2 THE COURT: Let's turn now to the Advisory
3 Sentencing Guidelines. Under the Sentencing Reform Act of
4 1984, the United States Sentencing Commission has issued
5 Guidelines for judges to follow in determining the sentence in
6 a criminal case. These Guidelines are advisory, and I will
7 consider them along with particular -- sorry -- the particular
8 facts and circumstances of your case, as well as other
9 sentencing factors that are set forth in a federal statute,
10 Title 18, United States Code, Section 3553(a), in determining
11 your sentence.

12 Have you and your attorney discussed how the
13 Advisory Sentencing Guidelines might apply to your case?

14 THE DEFENDANT: Yes. It's been explained to me.

15 THE COURT: You should understand that I will not be
16 able to determine the Advisory Guideline range for your case
17 until after a Pre-sentence Report is prepared by the Probation
18 Department, and after you and your attorneys have had a chance
19 to review that report and make any objections you think are
20 appropriate, including challenging the Guidelines calculation,
21 if you disagree with it.

22 You should understand that I --

23 THE DEFENDANT: (Nods head affirmatively.)

24 THE COURT: I'm sorry. You should understand that
25 any sentence I impose may be may be different from any

1 estimate your attorneys have given you. You should understand
2 also that I have the authority in some circumstances to depart
3 upward or downward from the Guidelines that are calculated,
4 and that could result in a sentence either higher or lower
5 than the Guidelines. Do you understand that?

6 THE DEFENDANT: Yes.

7 THE COURT: You should understand there's no parole
8 in the federal system and that if you're sentenced to a term
9 of imprisonment, you will not be released on parole. Do you
10 understand that?

11 THE DEFENDANT: No, I didn't. That part, I didn't.

12 THE COURT: I figured that might be the case.

13 Parole is a concept that exists here in the United
14 States typically in state court, and essentially, it refers to
15 getting out of jail earlier than your sentence would otherwise
16 indicate, and that would be based on certain criteria
17 determined under state law.

18 But that concept does not apply at all in the
19 federal system. So if you're sentenced to a term of
20 imprisonment in the federal system, you will serve almost the
21 entire time of that sentence, save some credit you might get
22 for your behavior while in prison. Do you understand that?

23 THE DEFENDANT: Yes.

24 THE COURT: Has the government estimated a likely
25 Guidelines range in this case?

1 MR. TUCHMANN: Yes, Your Honor. The government's
2 estimate of the Guidelines range, including acceptance of
3 responsibility points, is 41 to 51 months, as set forth in the
4 plea agreement.

5 And the agreement includes a stipulation by the
6 defendant to certain aspects of the Guidelines calculation in
7 the agreement, but he reserves the right to challenge the
8 application of sophisticated means enhancement and the abuse
9 of trust enhancement, which are both included in the
10 Guidelines estimate.

11 THE COURT: Is that correct, Mr. Miedel?

12 MR. MIEDEL: That's correct.

13 THE COURT: Mr. Trujillo, you should understand that
14 any estimate that the government has or that your lawyer has
15 with respect to -- I should say has calculated with respect to
16 the Guidelines range could be wrong. You understand that?

17 THE DEFENDANT: Yes.

18 THE COURT: As you sit here today, there is no
19 guarantee as to any particular Guideline range that will be
20 applied at the time of sentencing.

21 THE DEFENDANT: Yes.

22 THE COURT: And as you sit here today, there's no
23 way for you to know what your ultimate sentence will be. Do
24 you understand?

25 THE DEFENDANT: Yes.

1 THE COURT: You should understand that if the
2 Advisory Guidelines range is different than what you hoped for
3 or expect, you cannot take your guilty plea back. Do you
4 understand that?

5 THE DEFENDANT: I understand, but I hope that's not
6 so.

7 THE COURT: Also, very importantly, you should
8 understand that if the ultimate sentence I impose is different
9 from what you hoped for or expect, you cannot take your guilty
10 plea back.

11 THE DEFENDANT: I understand.

12 THE COURT: Now, you should understand under some
13 circumstances, either you or the government might have a right
14 to appeal any sentence that I impose in a case; however, by
15 entering into this plea agreement, you have agreed to give up
16 your right to appeal the sentence and your conviction if I
17 impose a term of imprisonment of 57 months or less. That's in
18 paragraph four of your plea agreement.

19 THE INTERPRETER: I'm sorry, Your Honor, the last
20 sentence?

21 THE COURT: That is in paragraph four of your plea
22 agreement. Do you understand that?

23 THE DEFENDANT: Yes.

24 THE COURT: Mr. Trujillo, do you have any questions
25 about the rights that you are giving up, the punishment that

1 you face, the plea agreement, the nature of the charges or
2 anything else relating to this matter?

3 THE DEFENDANT: No.

4 THE COURT: Are you prepared to plead guilty at this
5 time?

6 THE DEFENDANT: Yes.

7 THE COURT: Mr. Miedel, do you know of any reason
8 why your client should not plead guilty?

9 MR. MIEDEL: No, Your Honor.

10 THE COURT: Mr. Trujillo, what is your plea to Count
11 42 of the superceding indictment, guilty or not guilty?

12 THE DEFENDANT: Guilty.

13 THE COURT: And what is your plea to Count 45 of the
14 superseding indictment, guilty or not guilty?

15 THE DEFENDANT: Guilty.

16 THE COURT: Are you making these pleas voluntarily
17 and of your own free will?

18 THE DEFENDANT: Yes.

19 THE COURT: Has anyone threatened or forced you to
20 plead guilty?

21 THE DEFENDANT: No.

22 THE COURT: Other than your plea agreement with the
23 government, has anyone made you any promise that has caused
24 you to plead guilty?

25 THE DEFENDANT: No.

1 THE COURT: Has anyone made you any promise as to
2 what your sentence will be?

3 THE DEFENDANT: Not that either.

4 THE COURT: Okay. Tell me in your own words what
5 makes you guilty of Counts 42 and 45 of the superseding
6 indictment?

7 I'm assuming it's an omnibus plea allocution, is
8 that right?

9 MR. MIEDEL: Yeah, Your Honor. We've prepared an
10 allocution in consultation with the government and
11 Mr. Trujillo is going to read that to you now.

12 THE COURT: I'm just going to ask that you read
13 slowly enough so that your translator can translate,
14 sentence-by-sentence.

15 THE DEFENDANT: Your Honor, from December 2009 until
16 December 2015, I was the secretary. I was the executive
17 committee of the Guatemalan National Soccer Federation.

18 As an officer, I had a duty, a fiduciary duty with
19 the Federation. The Federation -- the Federation owned media
20 and marketing rights to the international matches of the
21 Guatemalan National -- of the National Federation of Men's
22 Soccer Team from Guatemala.

23 So they would played during the qualifying rounds
24 for the World Cup of 2019 and 2022. During the period between
25 2009 and 2015, Media World, an American sports marketing

1 company located in Miami, contracted with the Federation to
2 purchase those rights. To keep themselves in good favor with
3 officers of the Federation for the purposes of ongoing and
4 future contract negotiations, the representatives of Media
5 World, it was agreed we would -- they would pay the president
6 of the Federation and me with kickbacks.

7 I received kickback payments on two occasions, which
8 I shared with others. One payment was made in 2010, for
9 continuing to look favorably on the contract between Media
10 World and the Federation, which had been signed before my
11 arrival at the Federation. The other one was a kickback
12 payment of an illegal commission in 2014, essentially for the
13 same reason.

14 Both payments were sent by wire transfers through
15 interstate and foreign commerce. Specifically, I received
16 payment for the 2014, after it was wired by Media World to a
17 bank account in the United States controlled by an
18 acquaintance of mine, who then wired much of the money in --
19 from that account to Guatemala, where I received my share.

20 Even though I had a duty to disclose these payments
21 to the Federation, I never made it known to the Federation or
22 any soccer governing body. As a result, I recognized that I
23 deprived the Federation for my honest services. I know that
24 it was wrong for me to accept those payments and not make them
25 known.

1 Finally, while I understand that venue for those
2 charges do not lie in the Eastern District of New York, I
3 agree to waive the venue requirement and I agree to be
4 prosecuted for those charges in the Eastern District of New
5 York.

6 THE COURT: All right. Does the government wish for
7 anything else to be asked of the defendant?

8 MR. TUCHMANN: No, Your Honor. I believe that is
9 sufficient.

10 THE COURT: All right. Based on my observations of
11 Mr. Trujillo and his demeanor in court, as well as his answers
12 to my questions and the answers of his counsel, I do find that
13 Mr. Trujillo is fully competent and capable of entering an
14 informed guilty plea, that he's aware of the nature of the
15 charges and the consequences of his guilty plea, and that the
16 plea he's making is knowing and voluntary.

17 I also find that there is an independent basis in
18 fact to support all the elements of the two crimes to which
19 he's pleading guilty, namely, wire fraud conspiracy and wire
20 fraud, based largely on his allocution just now.

21 I therefore accept your plea, Mr. Trujillo, to
22 Counts 42 and 45 of the superseding indictment.

23 As I mentioned earlier, there will be a Pre-sentence
24 Report prepared in anticipation of sentencing, and you'll be
25 asked to give information for that report. Typically, you're

1 asked to given an interview to a probation officer. You have
2 the right to have your counsel present with you during that
3 interview. Would you like him to be present?

4 THE DEFENDANT: Yes.

5 THE COURT: Sentencing will be on September 20th, at
6 11:00 a.m.

7 Anything further from the government?

8 MR. TUCHMANN: Just Your Honor, I have a copy of the
9 preliminary Order of Forfeiture to hand up to the Court. As
10 Your Honor stated, the defendant is agreeing to forfeit
11 \$175,000, and in that regard, following discussions with
12 counsel, I think the parties jointly move for \$50,000 in cash
13 that's currently supporting the defendant's bond -- there's
14 more cash than that supporting it, but of the cash, we move
15 the \$50,000 be released from supporting the bond for the
16 purpose of making the first payment on the forfeiture
17 obligation.

18 THE COURT: And is that in the order?

19 MR. TUCHMANN: That's not in the -- that's not in
20 that order itself. It's contemplated by the order, but it's
21 not specifically moved for in that order.

22 THE COURT: Okay. So I've signed the forfeiture
23 order. I assume there's no objection from the defense, is
24 that right?

25 MR. MIEDEL: Yes.

1 THE COURT: And I will order the Clerk's Office to
2 release 50,000 to the government as the first payment towards
3 the forfeiture amount.

4 That's what you need, right?

5 MR. TUCHMANN: Sure. Whether it's released directly
6 to us or to defense counsel, either way, we certainly trust
7 that it will come to us. I'm not sure the procedure. I think
8 the procedure is now that it comes from an office in
9 Washington rather than the Clerk's Office. But if the Court
10 can enter an order, I'm sure that we can move to have it --

11 THE COURT: Well, I should specify to whom it should
12 be released, so --

13 MR. MIEDEL: If it can be directly released to the
14 government, that's even simpler.

15 MR. TUCHMANN: Sure. In that case, it would be a
16 check made out to the United States Marshal Service with the
17 docket number on the face of the check.

18 THE COURT: Okay.

19 MR. TUCHMANN: I just don't know if the office in
20 Washington, if their procedures will allow for that. If they
21 do, that's fine --

22 THE COURT: Okay.

23 MR. TUCHMANN: -- with us.

24 THE COURT: Well, why don't you advise my deputy as
25 to exactly --

1 MR. TUCHMANN: Sure.

2 THE COURT: -- who we should direct the check to be
3 made out to within the next day or so. I assume there's not
4 going to be any objection from the defense --

5 MR. MIEDEL: No.

6 THE COURT: -- in terms of my specifying that. Okay?

7 MR. TUCHMANN: Thank you, Your Honor.

8 THE COURT: And just for the record, I'm handing
9 back Court Exhibit Number 1, which is the plea agreement, the
10 original one, to the government.

11 All right. I think that concludes this proceeding.
12 Anything else from either party?

13 MR. TUCHMANN: No, Your Honor.

14 MR. MIEDEL: Your Honor, just one thing?

15 THE COURT: Yes?

16 MR. MIEDEL: I've already discussed this with the
17 government. But Mr. Trujillo's bond conditions currently
18 require him to remain in Miami, unless he comes up here for --
19 to meet with me or for court appearances. So he came up here
20 yesterday. He's returning to Miami tomorrow. But he would
21 like today to go to New Jersey to visit his cousin, where he's
22 previously stayed before he went to Miami. The government
23 doesn't object, as long as we check with Pretrial Services,
24 which we intend to right after the proceedings.

25 THE COURT: So a temporary modification to allow the

1 defendant to visit New Jersey --

2 MR. MIEDEL: Yes.

3 THE COURT: -- or go to New Jersey today?

4 MR. MIEDEL: Today.

5 THE COURT: Okay. That sounds fine. I'll go ahead
6 and order that.

7 There's one other thing about -- oh, do I have to
8 modified his bail conditions because some of this money we
9 just released was securing his bond, so now that the amount
10 that secures his bond is less, right, by 50,000?

11 MR. TUCHMANN: Yes, Your Honor.

12 THE DEFENDANT: Okay. So whatever the number is, it
13 will be \$50,000 less.

14 MR. MIEDEL: Okay.

15 THE COURT: So I think this concludes today's
16 proceeding. Thank you, everyone.

17 MR. TUCHMANN: Thank you, Your Honor.

18 (Proceedings concluded.)

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